

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DONNA RILEY, in her capacity as the
Treasurer-Tax Collector of Stanislaus
County,

Plaintiff,

v.

LLOYD G. PLOUTZ, et al.,

Defendants.

Case No. 1:20-cv-01177-DAD-EPG

ORDER RE: NOTICE REGARDING
STIPULATION FOR ORDER TO DISBURSE
FUNDS

(ECF No. 80)

Before the Court is the notice regarding stipulation for order to disburse funds filed by Defendant Lloyd G. Ploutz. (ECF No. 80). In this filing, Defendant recounts the parties' recent efforts to come to a settlement agreement and states that he has refused to approve a settlement. Defendant states the terms of a settlement that he believes are warranted and requests the Court to consider his settlement requests and that he be included within the terms of any settlement.

This filing appears to be in response to the statement and request for extension to finalize settlement efforts filed by Cross-Complainant United States on January 25, 2022, which requested an extension of time for the parties to file a stipulation or joint motion of dismissal of this action. (ECF No. 78). The Court granted this motion on January 26, 2022, giving the parties until February 8, 2022, to file the appropriate dispositional documents. (ECF No. 79).

As an initial matter, to the extent that Defendant asks the Court to impose certain terms in a settlement agreement or dispositional filing, the Court is without authority to do so. While Federal Rule of Civil Procedure 41(a)(1)(A)(ii) permits the parties to stipulate to dismissal, if all

1 parties who have appeared sign the dismissal, there is no provision under which the Court can
2 alter the terms of the stipulation itself, or otherwise impose settlement terms upon the parties,
3 absent consent of the parties and outside the normal court process for obtaining a judgment.

4 Next, the Court notes that Defendant's indicated refusal to agree to a settlement may, if
5 unchanged, impact some deadlines in this case, notably, the February 8, 2022 deadline for the
6 parties to submit dispositional papers and the remaining case deadlines should this case continue.
7 (See ECF Nos. 59, 79). Thus, the Court finds it prudent to set deadlines concerning the resolution
8 or resumption of litigation in this action.

9 According, IT IS ORDERED as follows:

- 10 1. No later than February 15, 2022, the parties are required, if they are able to reach a
11 settlement, file an appropriate dispositional document under Federal Rule of Civil
12 Procedure 41, or, alternatively, to file a joint report proposing a case schedule for the case
13 going forward.
- 14 2. If the parties decide to file a joint report, a copy of the report shall also be emailed, in
15 Word format, to epgorders@caed.uscourts.gov

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17 IT IS SO ORDERED.

18 Dated: January 31, 2022

19 /s/ Eric P. Gray
20 UNITED STATES MAGISTRATE JUDGE
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